

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.418 OF 2006
IN
NOTICE OF MOTION NO.102 OF 2004
IN
SUIT NO.61 OF 2005

M/s.Black Diamond Trading Co. ..Appellant.

Vs.

Maharashtra State Electricity
Board & Anr. ..Respondents.

Mr.Uday P. Warunjikar for the Appellant.

Mr.D.D.Madon i/b.Mr.M.V.Jaykar & Co. for the
Respondents.

**CORAM: DR.S.RADHAKRISHNAN AND
S.J.VAZIFDAR, JJ.
DATED: 2ND AUGUST, 2006**

P.C. :

Heard the learned counsel for the Appellant and
the learned counsel for the Respondents.

2. By this Appeal the Appellant is challenging the
order dated 27th January, 2003 passed by the learned
Single Judge dismissing the Notice of Motion. It may
be noted here that the Appellant before the learned
Single Judge has categorically stated that they were
not pressing prayer clauses (a) and (b) and that they
were only pressing for prayer clause (c).

3. Admittedly, the goods involved are the "rejected coal" which are easily available in the market and the same is not an article not ordinarily commercially available in the market or that it is of special value and it is also not in dispute that the Appellant can easily be compensated in terms of money.

4. Further, the relief sought if granted would amount to decreeing substantially the suit. The facts of the case do not warrant the grant of such reliefs.

5. In these circumstances, the learned Single Judge has not committed any error or illegality in declining to grant any interim relief. We do not find any reason to interfere with the said order.

5. Hence, the Appeal stands dismissed.

(DR.S.RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)